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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,457	03/15/2004	Cindie L. Maddock	44413-40922	1221

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EXAMINER

BUTLER, MICHAEL E

ART UNIT PAPER NUMBER

3653

DATE MAILED: 09/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/800,457

Applicant(s)

MADDOCK ET AL.

Examiner

Michael Butler

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 1-6 and 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 7-11 and 13-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restriction

1. Applicant's election of invention II on 5/22/06 without traverse of the restriction requirement of 4/19/06 acknowledged and made final.
2. Claims 1-6 and 12 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:
A person shall be entitled to a patent unless --
 - (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
 - (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States
 - (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.
4. Claims 7-22 and 13-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Teicher 5206488 which discloses all the claimed elements including:
 - (Re: cl 7,20) in a snack dispensing machine, storing in the electronic storage apparatus credit information for said each user of the plurality of users, the credit information for said each user being indicative of a credit amount associated with identification information for said each user (c8 L 23-67; fig 3b)
5. Claims 7-11 and 13-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Tedesco et al. 6298922 which discloses all the claimed elements including:
 - (Re: cl 8,20) A method comprising: providing a programmable snack dispenser storing in the electronic storage apparatus credit information for each of a plurality of users, the credit information for each of the plurality of users being indicative of a credit amount

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associated with identification information for said each of the plurality of users (c6 L 10-30 ;fig 3b)

(Re: cl 9,20) A method comprising: providing a programmable snack dispenser; receiving a first amount of money from a first user; receiving a second amount of money from a second user; storing in the electronic storage apparatus a first credit information, the first credit information having a value dependent on the first amount of money received from the first user, the first credit information being associated with first identification information(c6 L 10-30 ;fig 3b), the first identification information being information identifying the first user; storing in the electronic storage apparatus a second credit information, the second credit information having a value dependent on the second amount of money received from the second user, the second credit information being associated with second identification information, the second identification information being information identifying the second user (fig 4) (c7 L 18-30)

(Re: cl 10,20) (9) wherein: the snack dispenser is adapted and configured to alter the snack dispenser apparatus from the snack inaccessible condition to the snack accessible condition upon the first identification information being input into the input receiving mechanism and the first credit information equaling or exceeding the predetermined value; the snack dispenser is adapted and configured to alter the snack dispenser apparatus from the snack inaccessible condition to the snack accessible condition upon the second identification information being input into the input receiving mechanism and the second credit information equaling or exceeding the predetermined value (c9 L 1-3 with c1 L 27-35)

(Re: cl 11)(10) wherein the input receiving mechanism comprises a key reader, the method further comprising: providing a first key to the first user, the first key having stored thereon the first identification information, the key reader being adapted to read the first identification information upon the first key being positioned in communication with the key reader, and providing a second key to the second user, the second key including the second identification information, the second key having stored thereon the second identification information, the key reader being adapted to read the second identification information upon the second key being positioned in communication with the key reader (c9 L 4 -24;)

(Re: cl 13) A method comprising: providing a vending key to a user, the vending key including electronically readable identification information relating to the user (c9 L 26-55)

providing a programmable snack dispenser, the snack dispenser including a key reader adapted to read the identification information on the vending key; programming the snack dispenser with credit information associated with the vending key (c8 L 23-67) configuring the snack dispenser such that when the user positions the vending key relative to the key reader in a manner to enable the vending key to be read by the key reader, then the programmable snack dispenser determines whether the credit information is sufficient to warrant dispensing of a snack from the snack dispenser (c9 L 26-55)

(Re: cl 14,19) wherein the vending key comprises a vending card and wherein the key reader comprises a card reader c9 L 26-55)

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(Re: cl 15) A method comprising: accessing a snack dispenser having a key reader adapted to read a vending key, the snack dispenser being adapted to determine whether to permit vending of a snack item from the snack dispenser by comparing information on the vending key to information which is stored in the snack dispenser and associated with the vending key; and placing the vending key adjacent the key reader in a manner to enable the snack dispenser to vend the snack item (c9 L 26-55)

(Re: cl 16) further comprising removing the snack item from the snack dispenser (c9 L 1-3 with c1 L 27-35)

(Re: cl 17) wherein the snack dispenser is adapted to permit vending of the snack item if credit information stored in the snack dispenser indicates that a holder of the vending key has sufficient credit to purchase the desired item (c6 L 10-30; 820 fig 8a; c7 L 18-30; c8 L 36-55)

(Re: cl 18) wherein the snack dispenser comprises an electronic storage apparatus in communication with the key reader, the electronic storage apparatus being adapted and configured for storage of credit information, the credit information being indicative of a credit amount associated with identification information stored on the vending key (c9 L 4 -24)

(Re: cl 19) wherein the vending key comprises a vending card and wherein the key reader comprises a card reader (c6 L 67-c7 L 5).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim(s) 7-11 and 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ushikibu 4778983 in view of Ruskin et al. (6367653) wherein the former discloses the elements previously discussed and further discloses:

(Re: cl 7,20) in a dispensing machine, storing in the electronic storage apparatus credit information for said each user of the plurality of users, the credit information for said each user being indicative of a credit amount associated with identification information

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for said each user (c3 L 1-35)

(Re: cl 8,20) A method comprising: providing a programmable dispenser storing in the electronic storage apparatus credit information for each of a plurality of users, the credit information for each of the plurality of users being indicative of a credit amount associated with identification information for said each of the plurality of users (c3 L 1-35)

(Re: cl 9,20) A method comprising: providing a programmable dispenser; receiving a first amount of money from a first user; receiving a second amount of money from a second user; storing in the electronic storage apparatus a first credit information, the first credit information having a value dependent on the first amount of money received from the first user, the first credit information being associated with first identification information, the first identification information being information identifying the first user(c3 L 1-35); storing in the electronic storage apparatus a second credit information, the second credit information having a value dependent on the second amount of money received from the second user, the second credit information being associated with second identification information, the second identification information being information identifying the second user (c3 L 1-35)

(Re: cl 10) (9) wherein: the dispenser is adapted and configured to alter the dispenser apparatus from the inaccessible condition to the accessible condition upon the first identification information being input into the input receiving mechanism and the first credit information equaling or exceeding the predetermined value; the dispenser is adapted and configured to alter the dispenser apparatus from the inaccessible condition to the accessible condition upon the second identification information being input into the input receiving mechanism and the second credit information equaling or exceeding the predetermined value (c3 L 36-49)

(Re: cl 11)(10) wherein the input receiving mechanism comprises a key reader, the method further comprising: providing a first key to the first user, the first key having stored thereon the first identification information, the key reader being adapted to read the first identification information upon the first key being positioned in communication with the key reader, and providing a second key to the second user, the second key including the second identification information, the second key having stored thereon the second identification information, the key reader being adapted to read the second identification information upon the second key being positioned in communication with the key reader (c4 L 1-48)

(Re: cl 13) A method comprising: providing a vending key to a user, the vending key including electronically readable identification information relating to the user providing a programmable dispenser, the dispenser including a key reader adapted to read the identification information on the vending key; programming the dispenser with credit information associated with the vending key (c4 L 1-48)

configuring the dispenser such that when the user positions the vending key relative to the key reader in a manner to enable the vending key to be read by the key reader, then the programmable dispenser determines whether the credit information is sufficient to warrant dispensing of a from the dispenser (c3 L 36-49)

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(Re: cl 14) wherein the vending key comprises a vending card and wherein the key reader comprises a card reader (c3 L 1-35)

(Re: cl 15) A method comprising: accessing a dispenser having a key reader adapted to read a vending key, the dispenser being adapted to determine whether to permit vending of a item from the dispenser by comparing information on the vending key to information which is stored in the dispenser and associated with the vending key (c4 L 1-48) and placing the vending key adjacent the key reader in a manner to enable the dispenser to vend the item (c4 L 1-48)

(Re: cl 16) further comprising removing the item from the dispenser (c3 L 36-50)

(Re: cl 17) wherein the dispenser is adapted to permit vending of the item if credit information stored in the dispenser indicates that a holder of the vending key has sufficient credit to purchase the desired item (c3 L 36-49)

(Re: cl 18) wherein the dispenser comprises an electronic storage apparatus in communication with the key reader, the electronic storage apparatus being adapted and configured for storage of credit information, the credit information being indicative of a credit amount associated with identification information stored on the vending key (c3 L 1-35 with c4 L 1-48)

(Re: cl 19) wherein the vending key comprises a vending card and wherein the key reader comprises a card reader (c3 L 1-35).

The latter discloses any elements not inherently taught by the former including:

A card reading account accessing centrally controlled snack vending machine (c1 L 14-17).

It would have been obvious for Ushikibu to dispense snacks because there is a demand for dispensing snacks as taught by Ruskin et al. Castleberry and come up with the instant invention as claimed. And limit account access so as to minimize fraud.

8. Claim(s) 7-11 and 13-20 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Teicher '488 (5206488) in view of Teicher '162 (3102162) wherein the former discloses the elements previously discussed and further discloses:

(Re: cl 7,20) in a dispensing machine, storing in the electronic storage apparatus credit information for said each user of the plurality of users, the credit information for said each user being indicative of a credit amount associated with identification information for said each user (c1 L 54-c2 L 12)

(Re: cl 8,20) A method comprising: providing a programmable dispenser storing in the electronic storage apparatus credit information for each of a plurality of users, the credit

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information for each of the plurality of users being indicative of a credit amount associated with identification information for said each of the plurality of users (c1 L 54-c2 L 12)

(Re: cl 9,20) A method comprising: providing a programmable dispenser; receiving a first amount of money from a first user; receiving a second amount of money from a second user; storing in the electronic storage apparatus a first credit information, the first credit information having a value dependent on the first amount of money received from the first user, the first credit information being associated with first identification information (c1 L 54-c2 L 12), the first identification information being information identifying the first user; storing in the electronic storage apparatus a second credit information, the second credit information having a value dependent on the second amount of money received from the second user, the second credit information being associated with second identification information, the second identification information being information identifying the second user (c1 L 54-c2 L 12)

(Re: cl 10) (9) wherein: the dispenser is adapted and configured to alter the dispenser apparatus from the inaccessible condition to the accessible condition upon the first identification information being input into the input receiving mechanism and the first credit information equaling or exceeding the predetermined value; the dispenser is adapted and configured to alter the dispenser apparatus from the inaccessible condition to the accessible condition upon the second identification information being input into the input receiving mechanism and the second credit information equaling or exceeding the predetermined value (c1 L 54-c2 L 12)

(Re: cl 11)(10) wherein the input receiving mechanism comprises a key reader, the method further comprising: providing a first key to the first user, the first key having stored thereon the first identification information, the key reader being adapted to read the first identification information upon the first key being positioned in communication with the key reader, and providing a second key to the second user, the second key including the second identification information, the second key having stored thereon the second identification information, the key reader being adapted to read the second identification information upon the second key being positioned in communication with the key reader (c4 L 12-23)

(Re: cl 13) A method comprising: providing a vending key to a user, the vending key including electronically readable identification information relating to the user (c9 L 29-34)

providing a programmable dispenser, the dispenser including a key reader adapted to read the identification information on the vending key; programming the dispenser with credit information associated with the vending key (c1 L 54-c2 L 12)

configuring the dispenser such that when the user positions the vending key relative to the key reader in a manner to enable the vending key to be read by the key reader, then the programmable dispenser determines whether the credit information is sufficient to warrant dispensing of a from the dispenser (c5 L 49-65)

(Re: cl 14,19) wherein the vending key comprises a vending card and wherein the key reader comprises a card reader (c4 L 12-23)

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(Re: cl 15) A method comprising: accessing a dispenser having a key reader adapted to read a vending key, the dispenser being adapted to determine whether to permit vending of a item from the dispenser by comparing information on the vending key to information which is stored in the dispenser and associated with the vending key; and placing the vending key adjacent the key reader in a manner to enable the dispenser to vend the item (c5 L 49- c6 L 4)

(Re: cl 16) further comprising removing the item from the dispenser (c5 L 49-c6 L 4)

(Re: cl 17) wherein the dispenser is adapted to permit vending of the item if credit information stored in the dispenser indicates that a holder of the vending key has sufficient credit to purchase the desired item (c5 L 49-65)

(Re: cl 18) wherein the dispenser comprises an electronic storage apparatus in communication with the key reader, the electronic storage apparatus being adapted and configured for storage of credit information, the credit information being indicative of a credit amount associated with identification information stored on the vending key (c1 L 54-c2 L 12).

The latter discloses any elements not inherently taught by the former including:

A card reading account accessing centrally controlled snack vending machine (Fig 7a,10; c5 L 1-22).

It would have been obvious for Teicher '488 to dispense snacks because there is a demand for dispensing snacks as taught by Teicher '162 and come up with the instant invention as claimed.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exmr. Michael E. Butler whose telephone number is (571) 272-6937.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey, can be reached on (571) 272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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9/19/06



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